

# Town of Lovettsville

## Town Council

### Minutes of Public Hearing and Regular Meeting December 10, 2009

Mayor Elaine Walker called the regular monthly meeting of the Lovettsville Town Council to order at 8:03 PM on Thursday, December 10, 2009.

#### Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Charlotte Coleman, Scott Dockum, DiJon Jones, Michael Senate, Shaun Staley
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Town Clerk Judy L. Kromholz
- *Town Treasurer Lance Gladstone arrived at 8:35 PM*

#### Absent

- None

#### Audience

Among those present in the audience were John Broman, Heather Treadwell, and Mary Baker.

#### Call to Order/Welcome/Pledge of Allegiance

Mayor Walker led the assembled in the Pledge of Allegiance.

#### Comments from the Public

No speakers signed up (Attachment I).

#### Presentations

##### A. Update on Lovettsville Community Park

Mayor Walker introduced Diane Ryburn, Director of Loudoun County Parks, Recreation and Community Services to update the Council on the status of Lovettsville Community Park. Director Ryburn explained that a secondary access route to the Park has been identified and Loudoun County Public Schools and the Virginia Department of Transportation have conceptually approved the identified route. The plat and the access map now have to be revised to include the secondary access route and resubmitted to the Loudoun County Planning Commission. There is \$4,000 remaining in County's Parks Department budget and the document revisions will cost approximately \$25,000. The Parks Department has been granted an extension until June 30, 2010 to return to the Loudoun County Planning Commission with the revised application.

Mayor Walker called for questions from the Council. Vice Mayor Zoldos thanked Director Ryburn for her presentation. He reported that many groups have offered to fund sports fields in the Park but cannot do so without County approval and asked how long it will take to get such approvals after the Special Exception is passed. Councilman Jones asked for details on the steps required to get the SPEX application before the Board of Supervisors and Director Ryburn reviewed the steps necessary. Councilman Dockum asked if passive uses of the Park could begin as soon as the Special Exception is passed and Director Ryburn explained that it would depend on the conditions included in the SPEX. Councilman Dockum also asked how the access road would be funded and Director Ryburn stated that the goal would be to get the access road on the County's Six Year Plan.

Councilman Staley asked if the only source for the additional \$21,000 is donations. Director Ryburn stated that they had not been able to get the funds from the Board of Supervisors and suggested the County's Legacy Fund as a possible source for additional financial support.

Councilman Senate asked Director Ryburn how solid the agreement for the secondary access was with the School Board and she stated that there is no written agreement but noted that the Board had done a

site visit and stated that the proposed access should work. The existing track and playground would have to be moved.

Mayor Walker asked Manager Markel to review the history of the project and explain why a resubmission is necessary. Manager Markel reviewed the history and explained that during the initial review of the Special Exception the Town asked for a second entrance to the Park to handle the active recreational use traffic demands. The Town still feels strongly that a second access is needed to handle the high traffic volumes that would otherwise have to travel down Loudoun and Locust Streets to access the only proposed park entrance on Milltown Road. Mayor Walker also noted that she has repeatedly requested VDOT install a three way stop at the intersection of Lovettsville Road, Milltown Road, and East Broad Way. She asked Director Ryburn if another filing fee will be required by the County when the new plat is submitted. Director Ryburn did not think a fee would be required if the June 30, 2010 deadline is met. Mayor Walker also asked for a report on what additional funding will be required before the Park itself can be developed; noting that funding will be required for new roads and for moving the playground. She also requested a timeline of when exact steps must be completed in order to meet the June 30<sup>th</sup> deadline. Director Ryburn promised to have the timeline developed by next Monday so that it could be reviewed at the next Council meeting on December 17<sup>th</sup>. She will also investigate any possibility of getting a waiver for the revised traffic study from the County Planning Department.

Mayor Walker and the Council thanked Director Ryburn for her presentation.

**B. Oktoberfest Volunteer Recognition**

John Broman, representing the Fall Events Group, made a presentation on Oktoberfest 2009 (Attachment II). The Mayor and Council presented Certificates of Appreciation to those members of the Committee who were present.

**Loudoun County Sheriff's Office**

Loudoun County Deputy Sheriff Mertz-Myers presented her monthly report. Councilman Senate thanked her for arranging to have the Sheriff's Office help with the Lantern Parade.

**Lovettsville Business Association**

John Broman announced that the Association membership Christmas dinner will be this month. They will be publishing a calendar for 2010.

**Lovettsville Volunteer Fire and Rescue Company**

No member of the Company was present.

**Additions/Deletions/Modifications to the Agenda**

There were no changes to the agenda.

**Approval of Town Council Minutes**

**A. Town Council Meeting – July 23, 2009**

**Motion:** To approve the minutes of the July 23, 2009 Town Council Meeting as corrected.  
**By:** Council Member Dockum  
**Second:** Council Member Coleman  
**Aye:** Council Members Coleman, Dockum, Senate, Staley, Zoldos  
**Nay:** None  
**Abstain:** Council Member Jones  
**Absent:** None

**B. Town Council Meeting – August 13, 2009**

**Motion:** To approve the minutes of the August 13, 2009 Town Council Meeting as corrected.  
**By:** Council Member Jones  
**Second:** Council Member Staley  
**Aye:** Council Members Coleman, Dockum, Jones, Senate, Staley  
**Nay:** None  
**Abstain:** Council Member Zoldos  
**Absent:** None

**C. Town Council Public Hearing and Meeting – August 27, 2009**

Tabled at the request of Mayor Walker.

**D. Town Council Meeting – September 10, 2009**

Tabled at the request of Mayor Walker.

E. Town Council Meeting – September 17, 2009

Tabled at the request of Mayor Walker.

**Report from the Treasurer**

**A. Financial Report – August 2009**

Treasurer Gladstone presented his report for August 2009. Councilman Dockum asked if the proceeds from the cigarette tax are broken down by source. Manager Markel stated that the Town can request the breakdown and the Council agreed that these statistics should be available for the next budget process. Councilman Staley expressed shock at the number of packs of cigarettes sold in Town. There being no further discussion, Mayor Walker called for the vote.

**Motion:** To approve the August 2009 Treasurer's report as presented.  
**By:** Council Member Senate  
**Second:** Council Member Coleman  
**Aye:** Council Members Coleman, Dockum, Jones, Senate, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** None

**Staff Reports**

**A. Report from the Zoning Administrator**

Manager Markel presented Administrator's McGregor's written report for November 2009. Scott asked for a list of zoning enforcement items that Steve is working on. They would like to be informed before any serious enforcement letters are sent out.

**B. Report from the Town Attorney**

The Town Attorney had no formal report.

**C. Report from the Town Manager**

Manager Markel reported that he had met with Virginia Regional Transit (VRT) and other local town managers to discuss the Western Flyer Trolley service. They analyzed ridership and expect more details to be available in January. The trolley currently has about 300 riders per month which is relatively low. They are exploring allocating some extra funding provided by VRT to make continuous coverage available during the day to see if that boosts ridership. They are also exploring other revenue streams sources including other towns and Patrick Henry College and INOVA hospital.

**Consent Agenda**

There were no items on the Consent Agenda.

**Action/Discussion Items**

**A. Heritage Highlands – Bond Extension**

Manager Markel explained the substitution of the Bond for the existing Letter of Credit.

**Motion:** To accept Resolution: 2009-12-01: Approving Substitution Of Bond For Letter Of Credit Securing Public Improvements In Heritage Highlands, U. S. Home Corporation  
**By:** Vice Mayor Zoldos  
**Second:** Council Member Jones

Mayor Walker called for discussion. Vice Mayor Zoldos asked if the Town had a different level of exposure. Manager Markel explained that the bond is issued through a third party guarantor while a letter of credit is the developer's money put in reserve. He explained that the Town is required by the Commonwealth to accept bonds. Councilman Dockum asked if this is any indication that Lennar is planning to resume development on the site and Manager Markel stated that nothing definite had been reported to the Town. There being no further discussion, Mayor Walker called for the vote.

**Aye:** Council Members Coleman, Dockum, Jones, Senate, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** None

**B. Sign Enforcement Moratorium Extension**

Manager Markel presented this item. Attorney Whiting apologized to the Council for being the bottleneck on this issue explained that a number of Town contract issues had taken precedence. She stated that she had been given her marching orders to complete her review in January, 2010.

**Motion:** I move that the moratorium on enforcing the sign ordinance be extended from January 1, 2010 through

June 30, 2010.

**By:** Council Member Jones  
**Second:** Council Member Coleman

Mayor Walker called for discussion. Vice Mayor Zoldos asked if the grandfathering of existing signs is still tied to the moratorium and Attorney Whiting stated that it was. There being no further discussion, Mayor Walker called for the vote.

**Aye:** Council Members Coleman, Jones, Senate, Staley, Zoldos  
**Nay:** Council Member Dockum  
**Abstain:** None  
**Absent:** None

#### C. Water Pressure Control Modifications

Manager Markel presented this item and explained his research on the various ways to install a pressure release valve. He presented two options to the Council:

Option 1: Continue to have property owners be responsible for any pressure reducing valve installation, regardless of the line pressure at the street. This policy is in keeping with what Leesburg, Purcellville and Loudoun Water require.

Option 2: Offer a credit of \$150 towards the installation of any pressure reducing valve for any residential unit built before 1990 that has water pressures over 80 psi. This would assist in defraying the cost of the valve and installation by a licensed plumber.

**Motion:** To adopt Option 1 for the treatment of high water pressure in the Town system.  
**By:** Council Member Staley  
**Second:** Council Member Senate

Mayor Walker called for discussion. Councilman Senate stated that it is not in the Town's best interest to assume liability for this issue or for reducing the pressure in individual homes. Upon further consideration, Councilman Senate withdrew his second. Mayor Walker called for a second to the motion. The motion failed for lack of a second. Mayor Walker called for a new motion.

**Motion:** To adopt Option 2 as a one-time credit for the treatment of high water pressure in the Town system.  
**By:** Vice Mayor Zoldos  
**Second:** Council Member Jones

Mayor Walker called for discussion. Vice Mayor Zoldos stated that, based on the research done by Manager Markel and Loudoun Water, he feels the Town bears only a small responsibility in this matter. Councilman Dockum stated that the property owner must provide proof that the valve was installed by a plumber certified in the Commonwealth of Virginia along with proof that the water pressure was excessive. Manager Markel stated that procedures will need to be developed for any plan the Council adopts.

Council agreed to table this item until Manager Markel is able to develop a procedure for their review. They also asked for an estimate of the total exposure for the Town if they approve a credit.

Councilman Staley stated that he is against any reimbursement plan for a number of reasons. He noted that some home owners have already installed the valve at their own expense. He also stated that a home inspection should have revealed this issue to any new home owner before they purchased their home. He also stated concern that this could create a precedent for other issues that might come before the Council. Councilman Staley stated that the Town would only bear some responsibility if it had proactively done something that raised the water pressure delivered to these homes.

Councilman Dockum stated that he has been a licensed home inspector and this is not something that would generally be checked by a home inspector in this area.

**Motion:** To table this item as discussed.  
**By:** Vice Mayor Zoldos  
**Second:** Council Member Staley  
**Aye:** Council Members Coleman, Dockum, Jones, Senate, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** None

#### Information Items

Manager Markel reported that the list of movies for next year's Movie in the Park series has been developed. It is hoped that local businesses can sponsor movies to help defray the cost to the Town.

**Comments from the Mayor and Town Council**

Councilwoman Coleman asked about the status of the Events Committee and Vice Mayor Zoldos stated that the Town did not have buy-in from the community. He suggested that the Council workshop the concept and find ways to get new people involved.

Councilman Senate thanked everyone who helped at the tree lighting. He reported that the Lovettsville Fire & Rescue Department breakfast with Santa will be Saturday, December 12<sup>th</sup>. The Lion's Club will be giving out treat bags.

Vice Mayor Zoldos stated that the Town needs to push to get the park stated and that the Town needs the support of the Town's County Supervisor to help expedite the process. He stated that he does not understand why the SPEX must be approved before work can begin on the passive use projects in the Park. Councilman Dockum asked why the application period cannot simply be extended.

Vice Mayor Zoldos said the Tree Lighting went very well and that there is a good framework in place for the future.

Mayor Walker reported on the following;

1. She agreed that the Tree Lighting was wonderful and she thanked Manager Markel, Vice Mayor Zoldos, Councilman Senate and the Lovettsville Fire & Rescue Department (LVFR) for all their help.
2. She had attended the Excellence in Education banquet and is proud of all the students from Lovettsville with a 4.0 grade average.
3. She reminded those present that the LVFR Breakfast with Santa and the Civil War Trails sign dedication will both take place this Saturday.
4. She reported that the EDC affordable housing issue will be made part of the Town's Comprehensive Plan.
5. She suggested that the Council schedule a retreat for Saturday January 9<sup>th</sup> or Saturday January 16<sup>th</sup>.
6. Mayor Walker reiterated that the Park situation is serious and that she had had many meetings in this process. She stated that the \$21,000 would be only the beginning.

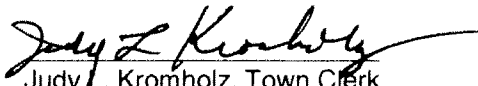
**Adjournment**

There being no further business before the Council, Mayor Walker asked for a motion.

**Motion:** To adjourn the December 10, 2009 meeting of the Lovettsville Town Council  
**By:** Council Member Jones  
**Second:** Council Member Coleman  
**Aye:** Council Members Coleman, Dockum, Jones, Senate, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** None

The meeting was adjourned at 11:15 PM

Respectfully submitted,

  
Judy L. Kromholz, Town Clerk

Date Approved: February 25, 2010

Attachments:

- I. Speaker Signup Sheet
- II. Oktoberfest 2009 After-Event Presentation
- III. Heritage Highlands Bond Substitution Resolution

# Town of Southville

## Speaker Sign - Up Sheet

**Town Council Regular Meeting - December 10, 2009**

**Please Print.**

[illegible]

Each speaker will be limited to no more than three (3) minutes at the beginning of the meeting, or no more than five (5) minutes at the end of the meeting.

<sup>1</sup> If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.



# Lovettsville Oktoberfest 2009

*After-Event Review*

Presented to the Lovettsville Town Council

10 December 2009

# Overview

- The 2009 Oktoberfest was, by many measures, one of the most successful to date.
- Valuable synergy on the committee due to mix of talent working together
  - New faces bringing fresh ideas
  - Veterans with invaluable “tribal knowledge”



# Committee Members

- Heather Treadwell, Group Leader
- Kathy LoPresti
- Cheryl Miller
- John Broman
- Lynda Johnston
- Hallie Broman
- Mike Zapf
- Diane Chang
- Elinor Broman

1/5/2010

*County of Lovettsville*

Events Commission, Fall  
Work-Group

# Special Thanks To...

- Elizabeth Bracey – Community Center Liaison
- Floyd Blethen – Game Club Liaison
- Dawn Berka – Elementary School Liaison
- Charlotte Coleman – Town Council Liaison
- Fred George – Land Baron
- Mayor Elaine Walker
- Town Manager Keith Markel
- Town Clerk Judy Kromholz



1/5/2010

Events Commission, Fall  
Work-Group

# New for 2009

- Art Contest for Booklet Cover and Art Display
- Art Fair at pottery shop grounds
- Improved trolley routing
- LBA-sponsored band Friday night
- Jazz concert moved to Saturday night
- Planning meetings moved out of Town Hall
  - Meetings more neighborhood-oriented and inviting
- Youth involvement in operations
  - High-school committee member
  - Harmony Intermediate German Club volunteers

1/5/2010

*Town of Loyettesville*

Events Commission, Fall  
Work-Group

# Income

## Oktoberfest Planning Committee Profit & Loss Prev Year Comparison March 2009 through February 2010

	◆ Mar '09 - Feb 10 ◆	Mar '08 - Feb 09 ◆	\$ Change	◆	% Change	◆
Ordinary Income/Expense						
Income	▶	1,035.00 ◀	1,650.00	-615.00	-37.3%	
Ads Sales		300.00	300.00	0.00	0.0%	
Beer Sales		3,865.00	3,620.00	245.00	6.8%	
Booth Fees		650.00	120.00	530.00	441.7%	
Donations		0.00	147.00	-147.00	-100.0%	
Miscellaneous Income		1,120.00	81.00	1,039.00	1,282.7%	
Souvenir Sales		8,075.00	9,586.00	-1,511.00	-15.8%	
Sponsorships		15,045.00	15,504.00	-459.00	-3.0%	
Total Income						

# Expenses

## Oktoberfest Planning Committee Profit & Loss Prev Year Comparison March 2009 through February 2010

Expense	♦ Mar '09 - Feb '10	♦ Mar '08 - Feb '09	♦ \$ Change	♦ % Change
Advertising	1,992.99	3,338.34	-1,345.35	-40.3%
Bank Service Charges	0.00	0.00	0.00	0.0%
Entertainment	3,280.00	4,277.07	-997.07	-23.3%
Equipment Rental	5,160.30	5,238.00	-77.70	-1.5%
Licenses and Permits	0.00	0.00	0.00	0.0%
Miscellaneous	25.00	587.71	-562.71	-95.8%
Postage and Delivery	484.20	155.06	329.14	212.3%
Printing and Reproduction	1,258.82	1,106.00	152.82	13.8%
Services	2,523.00	1,422.63	1,100.37	77.4%
Souvenir Expenses	0.00	2,783.21	-2,783.21	-100.0%
Supplies	502.26	477.72	24.54	5.1%
Total Expense	15,226.57	19,385.74	-4,159.17	-21.5%
Net Ordinary Income	-181.57	-3,881.74	3,700.17	95.3%

City of Fayetteville

Events Commission, Fall  
Work-Group

1/5/2010

# Notes on P&L

- This report deviates from earlier Treasurer's report in two ways:
  - Committee report reflects only 2009 Oktoberfest financials. Earlier report includes \$369.81 from 2008 Oktoberfest paid in early CY09
  - Committee report reflects Expense and Income items grouped in different categories to help better understand our budget
- Otherwise, the bottom lines match exactly

# Open Financial Issues

- One pending (unpaid) expense item outstanding
  - Approx \$613 to Loudoun County for Police support
- Financial clarification sought
  - Financial responsibility for one's own funds is central to an organization's autonomy
  - Since Kathy's retirement from the committee, we have not yet received the Oktoberfest checkbook
- Request single-account access to BB&T-Online to better manage our account (BB&T has offered to set this up for us)
- At a minimum, monthly bank statements should be sent to Town Hall for better availability

# Lessons Learned

- Make some plans very early
  - Major sponsorships
  - Craft vendors
  - New Town replica design
  - Artwork contest
- Sponsors should have single point-of-contact with designated committee member. Eliminate back-channel communications!
- Eliminate bottlenecks due to single-person tasks. No task should be a solo effort. All data to be available to entire committee



# Lessons Learned (cont.)

- All work to be available to all members to learn from. More “cross-training” needed.
- Better evaluation of souvenir quantity and pricing to avoid this being a loss
- We need an Operations Manual to run more efficiently. One is in the works currently.
- Request review of drafts of articles in local papers
  - Will help eliminate errors
- Layout booklet on PC rather than cut/paste

# Lessons Learned (cont.)

- Phone-verify with all entertainers, food suppliers, and major vendors 48 hours before the fest.
- Establish written contract with beer-vendor regarding percentage of return and date of payment
- Better scheduling/promotion of the “Tapping of the Keg”

# Lessons Learned (cont.)

- Consider comp'ing entertainers vendor's booths to be good advertisements for us, and can generate sales and buzz for them
- Hold formal morning briefing for volunteers on Saturday
- Written contracts for ALL entertainers, services, and food suppliers

# Potential Ideas for 2010

- Secondary Tent
  - Alternate venue, with contrasting entertainment as not to draw from main tent
  - Location TBD (possible locations are across from Pizza Shop or behind The Talk of the Town)
- Fun Bus
- Vendor focus on artisans, less on services
- Prominent presence of Town Government
  - “Meet the TC and Planning Commissioners” table
- Across-the-street banner

# Closing Thoughts

- With a new organizational structure of the Committee, the Town took a leap of faith in granting the committee significant autonomy. We have taken that responsibility very seriously and wish to extend our gratitude to the Town Council and Mayor for their trust.
- We are looking ahead towards an even better 2010 season!

# Questions?

*City of Fayetteville*

Events Commission, Fall  
Work-Group

1/5/2010

16

**Resolution: 2009-12-01: APPROVING SUBSTITUTION OF BOND FOR LETTER OF CREDIT SECURING PUBLIC IMPROVEMENTS IN HERITAGE HIGHLANDS, U. S. HOME CORPORATION**

**MOTION: ZOLDOS**

**SECOND: JONES**

**WHEREAS**, U. S. Home Corporation as successor to Patriot Homes of Virginia, Inc., the developer of Heritage Highlands, formerly known as the Lovettsville Retirement Village, has tendered the performance bond of Bond Safeguard Insurance Company dated November 19, 2009, in the amount of \$1,521,432.92 as surety for installation of improvements required by its performance agreement dated June 21, 2005, in substitution for a letter of credit No. DBS-16619 supplied by Deutsche Bank, AG New York Branch dated June 21, 2005, in the present amount of \$1,463,023; and

**WHEREAS**, the Town approval a bond reduction from \$1,711,000 to \$1,463,023 on April 24, 2008; and

**WHEREAS**, the Town administratively allowed for the one year extension of the letter of credit No. DBS-16619 with an expiration date of November 21, 2009; and

**WHEREAS**, the new performance bond has been increased from 1,463,023 to \$1,521,543.92 to reflect the required four percent annual cost escalation; and

**WHEREAS**, the Lovettsville Town Council deems the request to be reasonable based upon performance to date.

**NOW, THEREFORE, BE IT RESOLVED** that the Lovettsville Town Council hereby approves the request by U. S. Home Corporation as successor to Patriot Homes of Virginia, Inc. to replace the said letter of credit with the performance bond of Bond Safeguard Insurance Company (Bond No. 5036342) dated November 19, 2009, in the amount of \$1,521,543.92 as surety for installation of improvements required by its performance agreement dated June 21, 2005 and authorizes the Mayor to release letter of credit No. DBS-16619 supplied by Deutsche Bank, AG New York Branch dated June 21, 2005.

**VOTE:**

**Ayes: Zoldos, Jones, Dockum, Staley, Senate, Coleman**

**Nays: None**

**Abstentions: None**

**Absent for vote: None**

**Approved December 10, 2009**

\_\_\_\_\_  
**ELAINE WALKER, MAYOR**

\_\_\_\_\_  
**JUDY L. KROMHOLZ**  
**TOWN CLERK**